

**Medtronic**

Facsimile Cover Sheet

MEDTRONIC LAW DEPARTMENT - CONFIDENTIAL

Attention: Examiner Rorie Burch
Company: United States Patent and Trademark Office
Telephone: (703) 305-8391
Facsimile: (703) 308-6642
Application No.: ~~09/577,258~~
Filing Date: May 22, 2000

From: Stephen W. Bauer, Esq.
Telephone: (763) 505-0422
Facsimile: (763) 505-0411
Our Ref. No.: P8769.00 US

Date: November 14, 2002
Pages (Including cover page): 5

Comments: Enclosed are the following documents:
☒ Letter to the Patent and Trademark Office
☒ Associate Power of Attorney

NOTICE

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ON THIS TRANSMITTAL FORM. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY Theresa Belland at (763) 505-0421. THANK YOU.

Docket No.: P-8769.00 US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Richard L. Weiner

Application No.: 09/577,258

Group Art Unit: 3153

Filed: May 22, 2000

Examiner: George Evanisko

For: Peripheral Nerve Stimulation Method

Assistant Commissioner for Patents
Washington, D.C. 20231

LETTER TO THE PATENT AND TRADEMARK OFFICE

The following message was left by Examiner Rorie Burch (Telephone: 703-305-8391; Fax: 703-308-6642) on Curt Kinghorn's voice mail today:

"The Associate Power of Attorney registration numbers are unclear and unreadable, smudged together. Please refax the Associate Power of Attorney. There is a 72-hour turnaround time before the application goes abandoned. Call her with any questions, if you prefer."

Efforts to return her call were unsuccessful and her voice mail box was full.

A new associate power of attorney is enclosed without prejudice or admission.

Issue is taken with the substance of the voice mail in that 37 C.F.R. § 1.34 (a) (recognition for representation) provides:

When a registered attorney or agent acting in a representative capacity, pursuant to § 1.31, appears in person or signs a paper in practice before the United States Patent and Trademark Office in a patent case, his or her personal appearance or signature shall constitute a representation to the United States Patent and Trademark Office that under the provisions of this subchapter and the law, he or she is authorized to represent the particular party in whose behalf he or she acts. In filing such a paper, the registered attorney or agent should specify his or her registration number with his or her signature. Further proof of authority to act in a representative capacity may be required.

The issue fee transmittal and other papers were signed by a registered patent attorney or registered patent attorneys, and thus it would not be an appropriate basis to abandon this

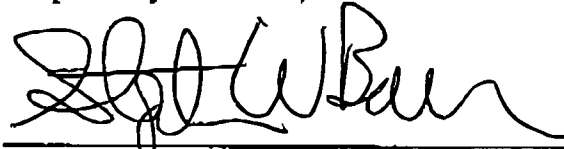
Application No.: 09/577,258

application on the basis of his name or their names being smudged or otherwise illegible on the associate power of attorney.

If any fee is required in connection with this paper, please charge such fee to Deposit Account No. 13-2546. If any petition is required for consideration of this paper, please consider this to be such a petition and charge the appropriate petition fee to Deposit Account No. 13-2546.

In view of the foregoing, continued processing and issuance of this application are requested.

Respectfully submitted,



Date: November 14, 2002

Stephen W. Bauer

Registration No.: 32,192

Medtronic, Inc.

710 Medtronic Parkway, MS: LC340

Minneapolis, Minnesota 55432

Telephone: 763-505-0422

Facsimile: 763-505-0411